IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 15496 of 2004

Between:

M/s. NAVYA EXTRUSIONS, Rep. by its Partner, Smt. K.S. Jayanthi,
W/o. K.S.L. Prasad, Plot No.1, I.D.A., Medchal, Ranga Reddy District.

..... PETITIONER

AND

1 CENTRAL POWER DISTRIBUTION COMPANY OF A.P. LIMITED,
Rep. by its Managing Director, Vidyut Soudha, Hyderabad.
2 Superintending Engineer, Operations, CENTRAL POWER DISTRIBUTION

COMPANYOF A.P. LIMITED,
Jeedimetla, Ranga Reddy District.
3 Divisional Engineer Electrical, Operations, CENTRAL POWER

DISTRIBUTION COMPANYOF A.P. LIMITED,
Medchal, Ranga Reddy District.
4 Assistant Divisional Engineer/OP/ Medchal, CENTRAL POWER

DISTRIBUTION COMPANYOF A.P. LIMITED,
Ranga Reddy District.
5 Accounts Officer, ERO, Jeedimetla, CENTRAL POWER DISTRIBUTION

COMPANYOF A.P. LIMITED,
Ranga Reddy District.
6 Junior Accounts Officer, ERO, Medchal, CENTRAL POWER

DISTRIBUTION COMPANYOF A.P. LIMITED,

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate Writ, order or direction preferably a Writ in the nature of Mandamus, declaring the action of the respondents in calling upon the petitioner firm to pay the electricity consumption bill for the month of July, 2004 including the arrears of Rs. 72,539/- in respect of Service Connection No.02527 situated in Petitioner's Unit located at Plot No. 1, I.D.A, Medchal, Ranga Reddy District as illegal, arbitrary and violative of Article 14 of the Constitution of India and consequently direct the respondents to collect the electricity consumption charges as per the Bills raised by the Respondents for the month of July, 2004 onwards by not disconnecting the electricity supply to Service Connection No. 02527 situated in Petitioner's unit located at Plot No.1, I.D.A. Medchal, Ranga Reddy District pending disposal of the above Writ Petition

Counsel for the Petitioner: MR.P.VENUGOPAL

Counsel for the Respondent No.: SMT.M.VINOBHA DEVI

The Court made the following :

ORDER:

Heard the learned counsel for the petitioner Sri P.Venugopal and Smt. Vinobha Devi, standing counsel appearing for the respondents.

Petitioner claims to be a partnership firm, carrying on its business at Plot No.1, I.D.A., Medchal, Ranga Reddy District. It is also stated that the petitioner has obtained service connection bearing No.02527 from the erstwhile APSEB and it has been paying the electricity consumption charges promptly and absolutely there are no arrears. While so, in the bill issued for the month of June, 2004 it was mentioned that there are arrears in respect of service connection of the petitioner to the tune of Rs.92,539/-. Though the petitioner disputes the alleged arrears, to avoid disconnection, the petitioner paid a sum of Rs.20,000/- towards the arrears. Thereafter, in the bill for the month of July, 2004 an amount of Rs.72,539/- was again shown as arrears. Since the claim towards the alleged arrears is not correct, the petitioner approached the respondents, tendering the amount towards actual consumption charges, but the respondents did not accept the same and insisted that the bill amount together with arrears shall be paid at one time, failing which, the electricity supply will be disconnected. Hence, this writ petition seeking a declaration that the action of the respondents in insisting payment of consumption charges for the month of July, 2004, together with the alleged arrears of Rs.72,539/- is arbitrary and illegal.

When the matter came up for consideration on 31.08.2004, while granting time to the learned standing counsel for the respondents to get instructions, the respondents were directed not to take any coercive steps against the petitioner for recovery of the arrears shown in the impugned bill dated 01.08.2004.

Today, the learned Standing Counsel under instructions states that the cheques issued by the petitioner during the year 1999 and 2000 were dishonoured resulting in arrears to the tune of Rs.92,539/- which the petitioner failed to pay in spite of time granted for payment and therefore the electricity supply has already been disconnected

on 30.08.2004.

Learned counsel for the petitioner submits that since the petitioner-firm is disputing the amounts claimed towards arrears, it would be appropriate to direct the respondents to restore the power supply and consider the objections raised by the petitioner and to pass appropriate orders.

Having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition permitting the petitioner to make a representation before the respondents raising all the objections with regard to the arrears claimed in the Bill, dated 1-8-2004 within a period of one week from today. In case, such representation is made, the respondents shall consider it and pass appropriate orders in accordance with law. So far as the restoration of power supply is concerned, there shall be a direction to restore the power supply subject to the condition that the entire arrears of Rs.72,539/- is paid by the petitioner in two installments of Rs.36,000/- and Rs.36,539/-. On payment of the first installment of Rs.36,000/- the supply to the service connection of the petitioner bearing No.02527 shall be restored. The balance amount of Rs.36,539/- shall be paid within two weeks thereafter. It is made clear that if the petitioner commits any default in payment of the said amounts, it is open to the respondents to take appropriate steps in accordance with law.

With the above directions the writ petition is disposed of. No costs.

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02-09-2004

Note: Issue C.C. by tomorrow.

B.o

Klp

To

1 Managing Director,CENTRAL POWER DISTRIBUTION COMPANY OF

A.P. LIMITED, Vidyut Soudha, Hyderabad.
2 Superintending Engineer, Operations, CENTRAL POWER DISTRIBUTION

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